



Journal of the House

State of Indiana

115th General Assembly

Second Regular Session

Twelfth Meeting Day

Wednesday Morning

January 30, 2008

The House convened at 10:00 a.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker read a prayer for wisdom and service (printed January 10, 2008).

The Pledge of Allegiance to the Flag was led by Representative William C. Friend.

The Speaker ordered the roll of the House to be called:

Austin	Hinkle
Avery	Hoy
Bardon	Kersey
Bartlett	Klinker
Battles	Knollman
Behning	Koch
Bell	L. Lawson
Bischoff	Lehe
Blanton	Leonard
Borders	Lutz
Borror	Mays
Bosma	McClain
C. Brown	Micon
T. Brown	Moses
Buck	Murphy
Buell	Neese
Burton	Niezgodski
Candelaria Reardon	Noe
Cheatham	Orentlicher
Cherry	Oxley
Cochran	Pelath
Crawford	Pflum
Crooks	Pierce
Crouch	Pond
Davis	Porter
Day	Reske
Dembowski	Richardson
Dermody	Ripley
Dobis	Robertson
Dodge	Ruppel <input checked="" type="checkbox"/>
Duncan	Saunders
Dvorak	Simms
Eberhart	M. Smith
Elrod	V. Smith
Espich	Soliday
Foley	Stemler
Friend	Steuerwald
Frizzell	Stevenson
Fry	Stilwell
GiaQuinta	Stutzman
Goodin	Summers
Grubb	Thomas <input checked="" type="checkbox"/>
Gutwein	Thompson
E. Harris	Tincher
T. Harris	Torr
Herrell	Turner

Tyler
Ulmer
VanDenburgh
VanHaaften

Walorski
Welch
Wolkins
Mr. Speaker

Roll Call 121: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☒ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 4, 2008, at 1:30 p.m.

RESKE

The motion was adopted by a constitutional majority.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 2, 42, 43, 56, and 117 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 3, 4, 12, 13, 16, 19, 20, 26, 27, 28, 31, 72, 81, 85, 86, 90, 91, 93, 100, 104, 105, 107, 111, 114, 118, 121, 123, 130, 133, 134, 137, 143, 146, 149, 152, 157, 159, 160, 163, 164, 166, 169, 171, 175, 176, 178, 180, 184, 187, 188, 189, 190, 192, 195, 197, 199, 200, 207, 208, 210, 212, 213, 215, 219, 221, 223, 224, 226, 227, 231, 233, 235, 241, 247, 248, 249, 250, 251, 255, 258, 262, 263, 267, 268, 269, 280, 281, 283, 297, 302, 303, 304, 305, 307, 312, 314, 315, 316, 317, 329, 330, 331, 334, 335, 336, 338, 339, 343, 345, 350, 352, 359, 360, and 363 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Joint Resolutions 1, 7, and 10 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 7, 8, and 9 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1290

Representative Avery called down Engrossed House Bill 1290 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 122: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson, Becker, Sipes, and Tallian.

Engrossed House Bill 1292

Representative Bartlett called down Engrossed House Bill 1292 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 123: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator S. Smith.

Engrossed House Bill 1162

Representative Bell called down Engrossed House Bill 1162 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 124: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Simpson.

Engrossed House Bill 1234

Representative Blanton called down Engrossed House Bill 1234 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 125: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau and Sipes.

Engrossed House Bill 1286

Representative Blanton called down Engrossed House Bill 1286 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 126: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard and Deig.

Engrossed House Bill 1101

Representative Crooks called down Engrossed House Bill 1101 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 127: yeas 92, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele, Waterman, Hume, and Jackman.

Engrossed House Bill 1204

Representative Crooks called down Engrossed House Bill 1204 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 128: yeas 90, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse, Meeks, Steele, and Tallian.

Engrossed House Bill 1113

Representative Dembowski called down Engrossed House Bill 1113 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 129: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bray.

HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1090 be reconsidered for final passage pursuant to House Rules 95 and 151.

DVORAK

Motion prevailed.

Engrossed House Bill 1090

Representative Dvorak called down Engrossed House Bill 1090 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 130: yeas 53, nays 44. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Gard.

Engrossed House Bill 1055

Representative C. Brown called down Engrossed House Bill 1055 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 131: yeas 60, nays 38. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard, Rogers, and Charbonneau.

Engrossed House Bill 1273

Representative Tincher called down Engrossed House Bill 1273 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 132: yeas 76, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Waterman, Wyss, Skinner, and Arnold.

Engrossed House Bill 1293

Representative GiaQuinta called down Engrossed House Bill 1293 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 133: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Broden.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:50 p.m. with the Speaker in the Chair.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 134: 87 present.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1042

Representative Goodin called down Engrossed House Bill 1042 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 135: yeas 88, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was

directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele and Lewis.

Engrossed House Bill 1319

Representative Grubb called down Engrossed House Bill 1319 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 136: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley, Skinner, and Drozda.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

Engrossed House Bill 1245

Representative Austin called down Engrossed House Bill 1245 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 137: yeas 90, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul, Simpson, Rogers, and Merritt.

Engrossed House Bill 1277

Representative Herrell called down Engrossed House Bill 1277 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

On the motion of Representative Pelath, the previous question was called. Roll Call 138: yeas 44, nays 54. The bill was defeated.

Engrossed House Bill 1297

Representative Hinkle called down Engrossed House Bill 1297 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state office and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representative Mays was excused from voting, pursuant to House Rule 46. Roll Call 139: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard and Deig.

Engrossed House Bill 1097

Representative Hoy called down Engrossed House Bill 1097 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 140: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Gard.

Engrossed House Bill 1250

Representative Klinker called down Engrossed House Bill 1250 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 141: yeas 75, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Hershman, Alting, Rogers, and Sipes.

Representative Cherry was excused for the rest of the day.

Engrossed House Bill 1187

Representative L. Lawson called down Engrossed House Bill 1187 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 142: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Bray.

Engrossed House Bill 1318

Representative Mays called down Engrossed House Bill 1318 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 143: yeas 91, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker and Miller.

Engrossed House Bill 1359

Representative Bardon called down Engrossed House Bill 1359 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 144: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Paul.

Engrossed House Bill 1170

Representative Orentlicher called down Engrossed House Bill 1170 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 145: yeas 51, nays 45. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Becker.

Engrossed House Bill 1276

Representative Pflum called down Engrossed House Bill 1276 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 146: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Simpson.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1280

Representative Pierce called down Engrossed House Bill 1280 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 147: yeas 51, nays 45. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Hershman, Simpson, and Breau.

Engrossed House Bill 1107

Representative Porter called down Engrossed House Bill 1107 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 1107-3)

Mr. Speaker: I move that Engrossed House Bill 1107 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 1, line 8, after "(1)" insert "**racial**".

Page 1, line 10, delete "and".

Page 1, line 11, delete "students who are children with disabilities (as defined in" and insert "**students who are exceptional learners (as defined in IC 20-31-2-6); and**".

Page 1, line 12, delete "IC 20-35-1-2)." and insert "**(5) students of various ethnic or religious groups.**".

Page 2, line 13, delete "Language minority." and insert "**English language learners.**".

Page 2, line 16, delete "Any" and insert "**Various**".

Page 2, delete lines 35 through 42.

Page 3, delete line 1.

Page 3, line 24, delete "and nonpublic school".

Page 3, line 25, delete "all".

Page 3, line 26, delete ", students, and" and insert "**and students.**".

Page 3, delete line 27.

Page 3, line 28, delete "and governing body of a nonpublic".
 Page 3, line 29, delete "school".
 Page 3, line 33, delete "parents,".
 (Reference is to HB 1107 as printed January 25, 2008.)

PORTER

Upon request of Representatives Bosma and Behning, the Speaker ordered the roll of the House to be called. Roll Call 148: yeas 89, nays 1. There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1107, begs leave to report that said bill has been amended as directed.

PORTER

Report adopted.

Representative Bosma was excused for the rest of the day.

The question then was, Shall the bill pass?

Roll Call 149: yeas 81, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers, Sipes, Rogers, and Alting.

Engrossed House Bill 1329

Representative Reske called down Engrossed House Bill 1329 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 150: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Tallian.

Engrossed House Bill 1379

Representative Ripley called down Engrossed House Bill 1379 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 151: yeas 75, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau, Paul, Simpson, and S. Smith.

Engrossed House Bill 1184

Representative V. Smith called down Engrossed House Bill 1184 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

On the motion of Representative Robertson, the previous question was called. Roll Call 152: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers, Sipes, and Rogers.

Engrossed House Bill 1310

Representative V. Smith called down Engrossed House Bill 1310 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 153: yeas 49, nays 46. The bill failed for lack of a constitutional majority.

Engrossed House Bill 1341

Representative Stemler called down Engrossed House Bill 1341 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 154: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau, Lewis, Tallian, and Deig.

Engrossed House Bill 1275

Representative Stemler called down Engrossed House Bill 1275 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 155: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Sipes.

Engrossed House Bill 1288

Representative Summers called down Engrossed House Bill 1288 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 156: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon and Sipes.

Engrossed House Bill 1105

Representative Tincher called down Engrossed House Bill 1105 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 157: yeas 89, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray, Waterman, Wyss, and Skinner.

Engrossed House Bill 1036

Representative Ulmer called down Engrossed House Bill 1036 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 158: yeas 91, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele and Paul.

Engrossed House Bill 1134

Representative VanDenburgh called down Engrossed House Bill 1134 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 159: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele and Lanane.

Engrossed House Bill 1196

Representative Pierce called down Engrossed House Bill 1196 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 160: yeas 66, nays 27. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Landske.

Engrossed House Bill 1284

Representative Fry called down Engrossed House Bill 1284 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 161: yeas 65, nays 26. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Paul.

Engrossed House Bill 1360

Representative Bardon called down Engrossed House Bill 1360 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 162: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Lanane.

Engrossed House Bill 1246

Representative Austin called down Engrossed House Bill 1246 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 163: yeas 81, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers and Sipes.

HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1310 be reconsidered pursuant to Rule 95 and Rule 151.

V. SMITH

Motion prevailed.

Engrossed House Bill 1310

Representative V. Smith called down Engrossed House Bill 1310 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 164: yeas 52, nays 42. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon and S. Smith.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

SB 2 — Welch, Richardson

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 4 L. — Lawson, Hoy, Foley, Ulmer

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 10 — L. Lawson, Foley

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 12 — Crawford, Espich, Welch, Turner

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 22 — Porter, Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 26 — L. Lawson, Knollman

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 27 — L. Lawson, VanDenburgh

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 28 — C. Brown, T. Brown

Committee on Veterans Affairs and Public Safety

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 31 — Dembowski

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 33 — Niezgodski, Buell

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 39 — Dembowski, Dodge

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 40 — Dembowski, Dodge

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 41 — Dembowski, Dodge

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 42 — C. Brown, T. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

SB 43 — Dvorak, Wolkins

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 45 — Pelath, Dvorak, Ulmer, Pond

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 46 — Dvorak, Wolkins

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 51 — Niezgodski, Buell

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 56 — Goodin

Committee on Veterans Affairs and Public Safety

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

SB 58 — Porter

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

SB 62 — Dembowski, Foley

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 72 — Niezgodski, Buell

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and benefits.

SB 78 — VanHaaften, Foley

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning probate and trusts.

SB 81 — Herrell, Foley, L. Lawson

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 83 — Tincher, Buck

Committee on Roads and Transportation

A BILL FOR AN ACT concerning motor vehicles.

SB 84 — L. Lawson, Foley

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 85 — Cheatham, Walorski, Reske, Koch

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 88 — Dembowski, Dodge

Committee on Natural Resources

A BILL FOR AN ACT concerning natural and cultural resources.

SB 89 — Grubb, Austin, T. Harris, Borrer

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

SB 90 — L. Lawson, Klinker, Ulmer, Koch

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 91 — Avery, Walorski

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 93 — Battles, Koch

Committee on Commerce, Energy and Utilities

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 100 — Crawford, Espich

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the General Assembly.

SB 104 — Bischoff, Lehe

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 105 — L. Lawson, Bell

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code concerning family and juvenile law.

SB 107 — VanHaaften, Welch, Koch

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 111 — Porter, Behning

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

SB 117 — L. Lawson, Dermody

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 118 — Dembowski, Foley

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 121 — Walorski, Ulmer

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 123 — Battles, Gutwein

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

SB 130 — L. Lawson, Foley

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 133 — Klinker, Espich

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 134 — L. Lawson, Bischoff

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 137 — Herrell, Hinkle

Committee on Veterans Affairs and Public Safety

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 139 — Foley, L. Lawson

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 143 — C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 148 — C. Brown

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to repeal certain provisions of the Indiana Code concerning human services.

SB 152 — C. Brown, Buell

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 153 — C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 154 — C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 155 — C. Brown

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning human services.

SB 156 — C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 157 — C. Brown, Stemler, Buell

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 159 — Hoy, T. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 160 — Dvorak, Wolkins

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 163 — Austin

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

SB 164 — C. Brown, T. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

SB 166 — C. Brown, Buell

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 169 — Orentlicher, T. Brown

Committee on Public Health

A BILL FOR AN ACT concerning health.

SB 171 — Porter, Koch, L. Lawson

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 175 — Austin, Duncan

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 176 — Bischoff

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 178 — Dvorak, Wolkins

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 180 — L. Lawson, Foley

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 184 — L. Lawson, Koch, VanHaaften

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 187 — Bischoff, Thompson

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 188 — Moses, Foley

Committee on Commerce, Energy and Utilities

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

SB 189 — GiaQuinta, Foley, Battles, Behning

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

SB 192 — Hoy, Borders

Committee on Interstate and International Cooperation

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 195 — Austin, Torr

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 197 — Bartlett, Leonard, Mays

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 199 — Dvorak, Wolkins

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 200 — Dvorak, Wolkins

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 207 — L. Lawson

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 208 — E. Harris, Candelaria Reardon

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 210 — Niezgodski

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 211 — L. Lawson, Foley

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 212 — Foley

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 257 — Reske, Foley

Committee on Technology, Research and Development

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

SJR 5 — Pelath, Borror

Committee on Rules and Legislative Procedures

A JOINT RESOLUTION proposing an amendment to Article 10 of the Constitution of the State of Indiana concerning transportation.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fifteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 10 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS: **Section 9. (a) The Next Generation Trust Fund consists of the following:**

(1) A principal amount of five hundred million dollars (\$500,000,000).

(2) All interest and other income derived from the principal.

(b) The principal of the Fund may not be decreased.

(c) The General Assembly shall provide by law for the custody and investment of the principal of the Fund.

(d) The General Assembly may appropriate interest and other income derived from the Fund only for the provision of highways, roads, and bridges for the benefit of the people of the State of Indiana and the users of those facilities.

SECTION 3. THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING THE FOLLOWING SCHEDULE:

SCHEDULE

(a) On June 30 after approval by the voters of Indiana of Article 10, Section 9 of the Constitution of the State of Indiana, as added by this joint resolution, the principal amount of the Next Generation Trust Fund as established by Article 10, Section 9 of the Constitution of the State of Indiana, as added by this joint resolution, shall be transferred to the Fund to provide the principal amount of the Fund from:

(1) the state general fund; or

(2) from other sources the General Assembly provides by law.

(b) This Schedule expires on the day following the day that

the full amount of the principal of the Next Generation Trust Fund as established by Article 10, Section 9 of the Constitution of the State of Indiana, as added by this joint resolution, is fully funded as provided in subsection (a) of this Schedule.

RESOLUTIONS ON FIRST READING

House Resolution 9

Representative Burton introduced House Resolution 9:

A HOUSE RESOLUTION to honor Mr. Otis Ray Willham for a lifetime of service to his community and to Post #5864 of the Indiana Department of the Veterans of Foreign Wars.

Whereas, Otis Ray Willham attended school at Woods Creek, Clementsville, Kentucky, Casey County, up to the 4th grade, working on neighbors' farms until enlisting in the United States Navy on January 5, 1945, graduating basic training at Camp Perry, Williamsburg, Virginia, serving with the amphibious forces of the South Pacific on board the U.S.S. Gantner APD-42 (Amphibious Personnel Destroyer) which traveled through the Panama Canal to meet his next ship, the U.S.S. St. Paul CA-73 (Heavy Cruiser), at Pearl Harbor Navy Base, Hawaii, before being assigned to APA Fleet of "Floating Hotels" then to the Yard Oiler refueller fleet until June, 1946, by coincidence one of Mr. Willham's older brothers, James Hardin Willham, served on the U.S.S. Denver CL-58 (Light Cruiser) 1943-45 and on one occasion, the two were anchored in the same harbor at Eniwetok (Marshall Islands) during the military campaign unknowingly to either;

Whereas, Otis Ray Willham was honorably discharged July 2, 1946, with the rank of Seaman 1st Class, with the following decorations: the World War Two Victory Medal, the Asiatic Pacific Campaign Medal, the American Campaign Medal, the American Defense Service Medal, and the Navy Good Conduct Medal;

Whereas, Otis Ray Willham returned home to Casey County, Kentucky, and married Geneva Mason on March 10, 1947, and of this union was born one son, Leonard Paul Willham, born in Franklin, Indiana, Johnson County, a year after coming to Greenwood, Indiana to work at the Arvin Industries' Greenwood Plant;

Whereas, Otis Ray Willham left Arvin's in 1951 to work for the New York Central Railroad (Big Four) for a year before being laid off and returned to Arvin Industries' Franklin Plant until 1954, then left for an eighteen-year career at West Baking Company of Indianapolis, Marion County, up until 1972;

Whereas, Otis Ray Willham was a Charter Member of the Local Bakers & Confectionary Workers of America, AFL-CIO, and a union steward at West Baking Company from 1955-1958. He was one of the first technicians to set up polyurethane rappers and baggers machines in the Midwest, and this process was made public in The Indianapolis Star-News; and

Whereas, Otis Ray Willham returned to Arvin Industries' Franklin Plant after the closing of West Baking Company in 1972. He retired from Arvin Industries on January 1, 1988, on the production line and as a member of Local Union #2993 United Brotherhood of Carpenters and Joiners of America, AFL-CIO, becoming a life member of Post #5864 Indiana Department of the Veterans of Foreign Wars serving 30 years on the Post Honor Guard, which included carrying the Flag of the United States in town parades and grave site ceremonies all over the State of Indiana, and held the Post Office of Sergeant-at-Arms, also in joint support of Greenwood American Legion Post #252 of which he has been a member since 1954: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the 115th General Assembly honors Otis Ray Willham, a lifelong resident of the State of Indiana, and commends him for his dedicated service to his community, to Veterans of Foreign Wars Post #5864, Department of Indiana; and the great Hoosier State of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to: Mr. Otis Ray Willham; Mr. Paul Willham; and Mr. William H. Hendley, former 11th District Adjutant, Department of Indiana, and The American Legion.

The resolution was read a first time and adopted by voice vote.

House Resolution 10

Representative Welch introduced House Resolution 10:

A HOUSE RESOLUTION recognizing the American Cancer Society and its volunteers for the work they have done to battle cancer in the halls of the legislature, as well as the work they do in communities across the state of Indiana. We congratulate the American Cancer Society for their Cancer Action Day.

Whereas, The American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer through research, education, advocacy, and service;

Whereas, Cancer is estimated to cause the death of approximately 12,730 Hoosiers in 2007;

Whereas, The number one and two cancer killers of Hoosiers—Lung and Bronchus and Colon and Rectum—have killed approximately 4,980 Hoosiers in 2007;

Whereas, Breast Cancer is the second most common cancer among women in Indiana, and it killed approximately 860 in 2007;

Whereas, The American Cancer Society is currently funding \$8,377,000 in cancer research within Indiana;

Whereas, The Society provides services and education programs in all 92 counties, including Road to Recovery, Hope Lodge services, Reach to Recovery, Great American Smokeout, and a 1-800-ACS-2345 for 24 hour up-to-date cancer information;

Whereas, The American Cancer Society has brought about an increase in community awareness of cancer and its impact, has stimulated public action toward an increase in research toward a cure, and has led the charge for better treatment opportunities for persons affected by cancer;

Whereas, Cancer Action Day is the day when American Cancer Society volunteers from around the state will advocate for cancer to be a top legislative priority; and

Whereas, The American Cancer Society volunteers in the state of Indiana should be commended for their tremendous work to better the lives of those diagnosed with this disease and their families through research, education, advocacy and service: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to congratulate the American Cancer Society for its Cancer Action Day.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the American Cancer Society, Inc., Indianapolis Division.

The resolution was read a first time and adopted by voice vote.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Robertson be added as coauthor of House Bill 1107.

PORTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Duncan be added as coauthor of House Bill 1273.

TINCHER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1276.

PFLUM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bell and Noe be added as coauthors of House Bill 1288.

SUMMERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hoy and Frizzell be added as coauthors of House Bill 1387.

BORDERS

Motion prevailed.

On the motion of Representative Stilwell, the House adjourned at 7:05 p.m., this thirtieth day of January, 2008, until Monday, February 4, 2008, at 1:30 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives